

1 SCOTT N. SCHOOLS (SCSBN 9990)  
2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

4 TAMARA WEBER (ILSBN 6270925)  
Special Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, CA 94102  
7 Telephone: (415) 436-6838  
Facsimile: (415) 436-7234  
8 tamara.weber@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 07-0560 JSW  
14 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
15 v. ) TO EXCLUDE TIME AND TO CONTINUE  
16 VALERIAN DOBRE, ) HEARING DATE  
17 Defendant. ) SAN FRANCISCO VENUE  
18 \_\_\_\_\_

19  
20 The parties in the above-title case, including the defendant, request and agree that the hearing  
21 date scheduled for December 6, 2007 be continued to December 20, 2007 at 2:30 p.m. for a Quintero  
22 Hearing and a Change of Plea Hearing. The parties, including the defendant, also agree that time  
23 should be excluded under the Speedy Trial Act from December 6, 2007 to December 20, 2007, or  
24 until the next hearing date to be determined by the Court. The parties agree and the Court finds and  
25 holds, as follows:

26 1. Mr. Dobre has been charged in a thirteen count indictment for Conspiracy, Bank Fraud,  
27 Effecting Transactions with an Access Device and Aiding and Abetting, all in violation of 18 U.S.C.  
28 § 371, 18 U.S.C. § 1344, 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2.

STIPULATION AND [PROP.] ORDER  
CR 07-0560 JSW

1           2. The defendant's initial appearance on the indictment was held on August 31, 2007. Also  
 2 on this date, a detention hearing was conducted before the Honorable Judge Joseph Spero. Judge  
 3 Spero ordered the defendant to be detained before trial for the following reasons:

- 4                 (I)      The defendant has no ties to the United States;  
 5                 (ii)     The defendant refused to provide Pre Trial Services with his home address  
                         in Spain and he refused to give detailed financial information;  
 6                 (iii)    There was an ICE hold and the defendant's Business Visa has expired;  
 7                 (iv)     The defendant was arrested with multiple fraudulent access devices and a  
                         large amount of cash in his possession, and  
 8                 (v)      The defendant lied to ICE Agents on multiple occasions regarding his  
                         occupation upon entry into the United States.

9           3. On October 11, 2007 a Trial Setting Hearing was held before the Honorable Jeffrey S.  
 10 White . The case was continued to November 8, 2007 for a Quintero Hearing and a Change of Plea  
 11 Hearing.

12           4. On November 2, 2007, a Stipulation Order to Exclude Time and to Continue Hearing  
 Date  
 13 was entered continuing the case from November 8, 2007 to December 6, 2007 due to the fact that  
 14 defense counsel needed additional time to confer with his client in San Francisco with a Spanish  
 15 interpreter.

16           5. The requested continuance from December 6, 2007 to December 20, 2007 is necessary  
 17 for the defense attorney to again confer with his client in San Francisco with a Spanish interpreter.  
 18 Since the last court date of October 11, 2007, defense counsel has flown from Los Angeles to San  
 19 Francisco to confer with his client who is in custody. The last meeting with his client was on  
 20 November 13, 2007 with a Spanish interpreter present. After the meeting with his client, defense  
 21 counsel consulted with the United States Attorney's Office. Defense counsel needs additional time  
 22 to again travel from Los Angeles to San Francisco to confer with his client with a Spanish interpreter  
 23 present. Due to his client being in custody, defense counsel has had difficulty arranging meetings  
 24 with his client due to his client's limited telephone access.

25           6. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance  
 26 would unreasonably deny counsel for the defense the reasonable time necessary for effective  
 27 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).  
 28 Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period

1 from December 6, 2007 to December 20, 2007, outweigh the best interest of the public and the  
2 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A).

3       6. Accordingly, the Court sets a new hearing date on December 20, 2007, and  
4 orders that the period from December 6, 2007, to December 20, 2007, be excluded from Speedy  
5 Trial

6 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

7 **IT IS SO STIPULATED.**

8  
9 DATED: \_\_\_\_\_

/S/ Tamara Weber  
TAMARA WEBER  
Special Assistant United States Attorney

10  
11 DATED: \_\_\_\_\_

/S/ J.T. Fox  
J.T. Fox  
Attorney for Defendant Valerian Dobre

12  
13  
14  
15       **IT IS SO ORDERED.** The time from December 6, 2007 to December 20, 2007 shall be  
16 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends  
17 of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall  
18 appear on December 20, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing.  
19

20 DATED: December 3, 2007

  
JEFFREY S. WHITE  
United States District Judge